

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHIALA MARVICI and YASMINE FADIL,

Plaintiffs,

-v-

ROCHE FACILITIES MAINTENANCE LLC, LAURA  
AMORUSO, and STEPHEN ROCHE,

Defendants.

21 Civ. 4259 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On May 12, 2021, plaintiffs filed the complaint. Dkt. 1. On May 17, 2021, plaintiffs served Roche Facilities Maintenance LLC (“RFM”). Dkt. 6. On June 23, 2021, plaintiffs served Laura Amoruso. Dkt. 7. Plaintiffs, however, had failed to serve Stephen Roche by the deadline to do so under Federal Rule of Civil Procedure 4(m), August 10, 2021. On August 17, 2021, the Court issued an Order to Show Cause requiring plaintiffs to explain why the case should not be dismissed against RFM or Amoruso for failure to prosecute, and why Roche had not been served. Dkt. 8. On August 18, 2021, plaintiffs requested and received clerk’s certificates of default as to RFM and Amoruso. Dkts. 15–16. On September 13, 2021, plaintiffs filed a letter with the Court explaining their unsuccessful efforts to serve Roche, namely that those efforts were frustrated by Roche’s inability to be reached. Dkt. 17.

On September 13, 2021, plaintiffs asked the Court for permission to serve Roche via email, *id.*, which the Court granted, Dkt. 18. On September 29, 2021, plaintiffs informed the Court that their attempt to serve Roche via email was unsuccessful, as the email bounced back as undeliverable. Dkt. 20. On October 6, 2021, the Court issued an Opinion and Order authorizing plaintiffs to use a multi-prong approach to serve Roche, including by serving him via certified

mail to his last-known residential and business addresses, and by SMS/text message and phone call to his last-known phone number, which plaintiffs had previously used to communicate with him. Dkt. 21. On November 12, 2021, plaintiffs obtained a Clerk's Certificate of Default as to Roche. Dkt. 29. Defendants have not responded to the complaint or otherwise appeared in this action. On December 20, 2021, plaintiffs filed a motion for default judgment. Dkts. 35–38.

Plaintiffs papers in support of their motion are in good order. If any defendant wishes to oppose the motion, their counsel shall enter a notice of appearance prior to February 4, 2022, and file an opposition on ECF, explaining why a default judgment is not warranted, by **February 4, 2022 at 5 p.m.**

Plaintiffs are to serve the October 6, 2021 Opinion and Order, Dkt. 21, this order, and the papers in support of their motion for a default judgment on all defendants forthwith and file proof of this service no later than January 18, 2022.

SO ORDERED.



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Paul A. Engelmayer  
United States District Judge

Dated: January 4, 2022  
New York, New York